

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-16 and 18-38 are pending. Claim 17 has been canceled without prejudice or disclaimer of subject matter. Claims 1, 10, 23, and 33, which are independent, are amended. Support for this amendment is provided throughout the Specification, specifically at pages 18-19 and figure 5.

No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 3, 10 and 12 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Japanese Patent Application Publication No. 2002-084449 to Okada (hereinafter, merely "Okada") in view of U.S. Patent No. 7,466,358 to Kusaka et al. (hereinafter, merely "Kusaka").

Claims 2, 4-9, 11, and 13-38 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Okada in view of Kusaka and further in view of U.S. Patent No. 5,589,880 to Tsukui (hereinafter, merely "Tsukui").

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

**"wherein the signal processing section determines a black level based on a periodicity of image signals that include alternatively disposed long-time exposure image signal and short-time exposure image signal."** (emphasis added)

Applicant respectfully submits that nothing has been found in Okada, Kusaka, and Tsukui, taken alone or in combination, that would teach or suggest the above-identified feature of claim 1. None of the art used as a basis of rejection suggests or teaches "wherein the signal processing section determines a black level based on a periodicity of image signals that include alternatively disposed long-time exposure image signal and short-time exposure image signal", as recited in claim 1 (emphasis added).

Indeed, claim 1 recites determining a black level based on a periodicity of image signals that include alternatively disposed long-time exposure image signal and short-time exposure image signal. None of the references relied upon by the Office Action teaches or discloses the above-identified feature of claim 1.

Therefore independent claim 1 is patentable.

For reason similar to, or somewhat similar to, those above, claims 10, 23, and 33 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

#### **CONCLUSION**

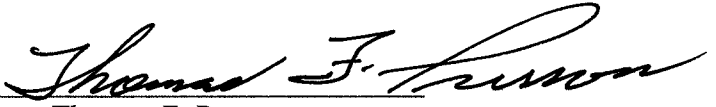
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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